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SENATE BILL 690

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO ELECTIONS; REQUIRING IN-PERSON VOTERS TO PRESENT  
IDENTIFICATION BEFORE VOTING; PROVIDING FOR FREE VOTER  
IDENTIFICATION CARDS ISSUED BY THE COUNTY CLERKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Election Code is enacted  
to read:

"[NEW MATERIAL] VOTER IDENTIFICATION CARDS.--

A. The county clerk shall issue without charge a  
voter identification card to a person who:

(1) presents any two of the following  
identification documents containing the name and address of the  
person:

- (a) a state-issued identification card;
- (b) a social security card;

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- 1 (c) a student identification card;
- 2 (d) identification issued by an Indian
- 3 nation, tribe or pueblo;
- 4 (e) an insurance card;
- 5 (f) a selective service card;
- 6 (g) a union card;
- 7 (h) a professional association card;
- 8 (i) a utility bill;
- 9 (j) a bank statement; or
- 10 (k) a government check or paycheck; or

11 (2) if unable to present the required  
12 documents to the clerk, affirms under penalty of perjury in an  
13 affidavit that the person is registered to vote and the county  
14 clerk confirms that the person is registered to vote.

15 B. The voter identification card shall state on its  
16 face that it is not valid identification for other than the  
17 purpose of voting in a state election and shall not be valid if  
18 the voter is subsequently purged from the voter rolls."

19 Section 2. Section 1-1-24 NMSA 1978 (being Laws 2005,  
20 Chapter 270, Section 6, as amended) is amended to read:

21 "1-1-24. REQUIRED VOTER IDENTIFICATION.--As used in the  
22 Election Code, "required voter identification" means ~~[any of~~  
23 ~~the following forms of identification as chosen by the voter:~~

24 A. ~~a physical form of identification, which may be:~~  
25 ~~(1)] an original or copy of a current and valid~~

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1 photo identification [~~with or without an address, which address~~  
2 ~~is not required to match the voter's certificate of~~  
3 ~~registration; or~~

4 ~~(2) an original or copy of a utility bill,~~  
5 ~~bank statement, government check, paycheck, student~~  
6 ~~identification card or other government document, including~~  
7 ~~identification issued by an Indian nation, tribe or pueblo,~~  
8 ~~that shows the name and address of the person, the address of~~  
9 ~~which is not required to match the voter's certificate of~~  
10 ~~registration; or~~

11 ~~B. a verbal or written statement by the voter of~~  
12 ~~the voter's name, registration address and year of birth;~~  
13 ~~provided, however, that the statement of the voter's name need~~  
14 ~~not contain the voter's middle initial or suffix] that contains~~  
15 ~~the voter's name and photograph and that may be a card issued~~  
16 ~~by a government agency, a driver's license, a student~~  
17 ~~identification card, a commercial transaction card, such as a~~  
18 ~~credit or debit card, an insurance card, a union card or a~~  
19 ~~professional association card, or a voter identification card~~  
20 ~~issued by the county clerk."~~

21 Section 3. Section 1-6-5.7 NMSA 1978 (being Laws 2005,  
22 Chapter 270, Section 40) is amended to read:

23 "1-6-5.7. EARLY VOTING--USE OF ABSENTEE VOTING  
24 PROCEDURES--ALTERNATE VOTING LOCATIONS.--

25 A. Commencing on the third Saturday prior to an

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1 election, an early voter may vote in person on a voting system  
2 at an alternate voting location established by the county  
3 clerk. In class A counties with more than two hundred thousand  
4 registered voters, the county clerk shall establish not less  
5 than twelve alternate voting locations as a convenience to the  
6 voters. For class A counties with two hundred thousand  
7 registered voters or fewer, the county clerk shall establish  
8 not less than four alternate voting locations. In non-class A  
9 counties with more than ten thousand registered voters, the  
10 county clerk shall establish at least one alternate voting  
11 location. In non-class A counties with ten thousand registered  
12 voters or fewer, early voting shall be conducted in the office  
13 of the county clerk or at such ~~[alternative]~~ alternate  
14 locations as may be designated by the county clerk. Early  
15 voting may be done at an alternate location from 12:00 p.m. to  
16 8:00 p.m., Tuesday through Friday, and from 10:00 a.m. to 6:00  
17 p.m., Saturday through the Saturday immediately prior to the  
18 election.

19 B. When voting early, the voter shall provide the  
20 required voter identification to the county clerk or the  
21 clerk's authorized representative. If the voter does not  
22 provide the required voter identification, the voter shall be  
23 allowed to vote on a provisional ballot. Provisional ballots  
24 issued pursuant to the provisions of this subsection shall be  
25 counted only if:

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1                   (1) the voter presents to the county clerk no  
2 later than three days following election day the required voter  
3 identification;

4                   (2) the voter did not vote elsewhere in that  
5 election; and

6                   (3) the voter was registered to vote in the  
7 election.

8                   C. If the voter provides the required  
9 identification, the voter shall be allowed to vote after  
10 subscribing an application to vote in accordance with secretary  
11 of state rules. The county clerk or the clerk's authorized  
12 representative shall make an appropriate designation on the  
13 signature roster next to the voter's name indicating that the  
14 voter has voted early."

15                   Section 4. Section 1-12-7.1 NMSA 1978 (being Laws 1969,  
16 Chapter 240, Section 112, as amended) is amended to read:

17                   "1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--CHECKLIST OF  
18 VOTERS--USE DURING ELECTION.--

19                   A. Each precinct board using voter lists shall post  
20 securely at or near the entrance of the polling place one copy  
21 of an alphabetical list of voters for use of the voters prior  
22 to voting. The posted copy shall not contain a listing of  
23 voter addresses, years of birth, unique identifiers or social  
24 security numbers.

25                   B. The presiding judge of the precinct board shall

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1 assign one judge of the board to be in charge of one copy of  
2 the checklist of voters, which shall be used to confirm the  
3 registration and voting of each person offering to vote.

4 C. The presiding judge of the precinct board shall  
5 assign one election clerk to be in charge of the signature  
6 roster.

7 D. The judge assigned to the checklist of voters  
8 used for confirmation of registration and voting shall  
9 determine that each person offering to vote is registered and,  
10 in the case of a primary election, that the voter is registered  
11 in a party designated on the primary election ballot. If the  
12 person's registration is confirmed by the presence of the  
13 person's name on the checklist of voters and the voter provides  
14 the required voter identification, the judge shall announce to  
15 the election clerks the list number and the name of the voter  
16 as shown on the checklist of voters. If the voter does not  
17 provide the required voter identification, the voter shall be  
18 allowed to vote on a provisional ballot in accordance with the  
19 provisions of Section 1-12-8 NMSA 1978 and shall provide the  
20 required voter identification to the county clerk's office  
21 [~~before the county canvass begins~~] within three days of the  
22 closing of the polls, or to the precinct board before the polls  
23 close, or the voter's provisional ballot shall not be  
24 qualified. If the required voter identification is provided,  
25 the voter's provisional ballot shall be qualified and the voter

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1 shall not vote on any other type of ballot.

2 E. The election clerk shall locate that list number  
3 and name on the signature roster and shall require the voter to  
4 sign the voter's usual signature or, if unable to write, to  
5 make the voter's mark opposite the voter's printed name. If  
6 the voter makes the voter's mark, it shall be witnessed by one  
7 of the judges of the precinct board. [~~If the signature roster  
8 indicates that the voter is required to present a physical form  
9 of identification before voting, the election judge shall ask  
10 the voter for the required physical form of identification. If  
11 the voter does not provide the required identification, the  
12 voter shall be allowed to vote on a provisional paper ballot;  
13 provided, however, that if the voter brings the required  
14 physical form of identification to the polling place after  
15 casting a provisional ballot, that ballot shall be qualified  
16 and the voter shall not vote on any other type of ballot.~~]

17 F. The election judge shall follow the procedures  
18 provided for in Sections 1-12-7.2 and 1-12-8 NMSA 1978 if a  
19 person whose name does not appear on the signature roster  
20 requests to vote or a person is required to vote on a  
21 provisional paper ballot.

22 G. A voter shall not be permitted to vote until the  
23 voter has properly signed the voter's usual signature or made  
24 the voter's mark in the signature roster.

25 H. After the poll is closed, the election clerk in

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1 charge of the signature roster shall draw a single horizontal  
2 line in ink through each signature space in the signature  
3 roster where no signature or mark appears."

4 Section 5. Section 1-12-8 NMSA 1978 (being Laws 1969,  
5 Chapter 240, Section 247, as amended) is amended to read:

6 "1-12-8. CONDUCT OF ELECTION--PROVISIONAL VOTING.--

7 A. A person shall be permitted to vote on a  
8 provisional paper ballot even though the person's original  
9 certificate of registration cannot be found in the county  
10 register or even if the person's name does not appear on the  
11 signature roster, provided:

12 (1) the person's residence is within the  
13 boundaries of the county in which the person offers to vote;

14 (2) the person's name is not on the list of  
15 persons submitting absentee ballots; and

16 (3) the person executes a statement swearing  
17 or affirming to the best of the person's knowledge that the  
18 person is a qualified elector, is currently registered and  
19 eligible to vote in that county and has not cast a ballot or  
20 voted in that election.

21 B. A voter shall vote on a provisional paper ballot  
22 if the voter:

23 (1) has not previously voted in a general  
24 election in New Mexico or has been purged from the voter list;

25 (2) registered to vote by mail;

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1 (3) did not submit the [~~physical form of the~~]  
2 required voter identification with the certificate of  
3 registration form; and

4 (4) does not present to the election judge [~~a~~  
5 ~~physical form of~~] the required voter identification.

6 C. A voter shall vote on a provisional ballot in  
7 accordance with the provisions of Paragraph (3) of Subsection A  
8 of this section and Section 1-12-7.1 NMSA 1978 if the voter  
9 does not provide the required voter identification to the  
10 election judge.

11 D. An election judge shall have the voter sign the  
12 signature roster and issue the voter a provisional paper  
13 ballot, an outer envelope and an official inner envelope. The  
14 voter shall vote on the provisional paper ballot in secrecy  
15 and, when done, place the ballot in the official inner envelope  
16 and place the official inner envelope in the outer envelope and  
17 return it to the precinct officer. The election judge shall  
18 ensure that the required information is completed on the outer  
19 envelope, have the voter sign it in the appropriate place and  
20 place it in an envelope designated for provisional paper  
21 ballots.

22 E. Knowingly executing a false statement  
23 constitutes perjury as provided in the Criminal Code of this  
24 state, and voting on the basis of such falsely executed  
25 statement constitutes fraudulent voting."

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1 Section 6. Section 1-12-10 NMSA 1978 (being Laws 1969,  
2 Chapter 240, Section 249, as amended) is amended to read:

3 "1-12-10. CONDUCT OF ELECTION--VOTER'S NAME, ADDRESS,  
4 SIGNATURE.--

5 A. When a voter [~~presents himself~~] offers to vote  
6 at the polls, [~~to vote, he~~] the voter shall announce [~~his~~] the  
7 voter's name and address in an audible tone of voice. When an  
8 election judge finds the voter's name in the signature roster,  
9 [~~he~~] the election judge shall in like manner repeat the name of  
10 the voter. The election judge shall then ask the voter to  
11 provide the required voter identification. The voter shall  
12 then sign [~~his~~] the voter's name or make [~~his~~] the voter's mark  
13 on the signature line in the copy of the signature roster to be  
14 returned to the county clerk. Upon the voter's name or mark  
15 being written in the signature roster, a challenge may be  
16 interposed as provided in the Election Code.

17 B. If a voter fails to provide the required voter  
18 identification, the voter shall be allowed to vote on a  
19 provisional ballot in accordance with the provisions of  
20 Sections 1-12-7.1 and 1-12-8 NMSA 1978."

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